

# **Notes from MNA Meeting with City Officials on November 20, 2020,** **Regarding Neighborhood Development**

In preparation for this virtual meeting, the City officials received a copy of the City of Rio Rancho Administrative Policies and Procedures Chapter 9 Article 2 of the Neighborhood Association Recognition Policy and Page 24 of Desert View Plat, Sheet 14 of 47

In Attendance:

**Steve Ruger**, Deputy City Manager

**Matt Geisel**, Acting Development Services Department Director

**Amy Rincon**, Planning and Zoning Division Manager

**Joseph Miano**, Special District Administrator for the Mariposa East PID, and other duties as a City Employee

**Eric Gregory**, MNA President

**Melissa Pedraza**, MNA Vice President

**Kelly Heimgartner**, MNA Secretary

**Cassandra D'Antonio**, MNA Infrastructure, Development & Environment Committee Chair

Introductions were made.

The first question put to the City Officials regarded the responsibility of the City and Developers (applicants) to give the MNA proper notification and input into impending development in Mariposa

**Kelly Heimgartner asked the City Official present to comply with the City's established Communications Policy with Neighborhood Associations (9-2-4-B-3 and 9-2-4-B-4)**

- specifically that the City is to direct applicants to notify, within 1 week of filing an application, the officers of the MNA,
- and that the Department of City Development shall request applicants to meet with the officers of the MNA as soon as reasonably possible after said notification and to cooperate with the officers of the association in order to set up this meeting.

Discussion ensued.

The Policy is 20 years old and not well known. Even though Cassandra D'Antonio had initially met with Mr. Dave Campbell, City Manager, in the summer of 2019, and requested the policy be followed and updated, and Mary James and Kelly Heimgartner met with Rebecca Martinez in February 2020 to ask for the same, nothing has materialized. Hence the impetus for this meeting today.

Steve Ruger agreed to bring the update of the Neighborhood Associations Policy to the forefront (as it turns out, he is currently in the process of reviewing the City of Rio Rancho Administrative Policies and Procedures). We all agreed that email would be the method of communication rather than the outdated and defunct mailboxes at City Hall.

Steve Ruger asked if there was anything specifically that we would like included in the updated Policy. We explained that for efficiency and transparency, we are asking to be notified as early as possible in the development of land in Mariposa and Kelly Heimgartner asked specifically if this could occur at the Preapplication Plans and Data Submission stage as outlined in Chapter 155.21 of the Municipal Code so that the residents of Mariposa can have an opportunity for meaningful discussion and input in the future development of the neighborhood. And that waiting until the Preliminary Plat is announced does not afford us enough time to contribute to the development discussion. It is in the Preapplication phase when the applicant is working with P&Z that we need to understand what is being planned so that we can give meaningful input that can be considered in the Preliminary Plat phase. Cassandra D'Antonio explained that in reviewing the P&Z packets for the final approval of the Jemez Vista final plat that were posted on their website a few days before the hearing, it was a learning experience to know that multiple studies are required to be submitted early in the process by an applicant, such as traffic and drainage studies, and that a few days is not sufficient time to adequately review and provide meaningful input.

Amy Rincon said that because Mariposa East has both an HOA and MCA, it is difficult to know which entity should receive notifications, but they will add the MNA to the list of recipients who receive notifications. She also apologized that, in the case of Jemez Vista, we did not receive the proper notification per this policy. She also mentioned that legal ads notifying the public of the Preliminary and Final Plat stage are always submitted to the Rio Rancho Observer 15 days in advance of the meetings and that the agendas are generally online at the City's website 4 days in advance of the meeting.

Cassandra D'Antonio mentioned that unlike Albuquerque, when you review the City's Neighborhood and Homeowners Association website, most are professionally managed HOAs, with a smattering of true NAs. And of those, the MNA is one of two that has contact information, in compliance with the City's policy. And there are many listed NAs that just have boundary information, but not contact information, perhaps because they are currently defunct. Matt Geisel said that he is sorry if there is that perception but to rest assured there is no preferential

treatment for HOAs over NAs. Rather, the system for maintaining who is a currently active NA needs revamping. Steve Ruger said that when the City instituted its NA policy 20 years ago there were no HOAs and a handful of NAs and that over the last 10-15 years, HOAs became more common in Rio Rancho. He said that the MNA was the first in many years to request recognition. He also committed to investigating their current list of recognized HOAs and NAs to determine which are defunct and to get updated current contact information on those that are still active.

Eric Gregory mentioned that we are also interested in establishing a Neighborhood Association Alliance as mentioned in the Communications Policy with Neighborhood Associations (9-2-4-A-6) and that having a roster of active NAs would be helpful in establishing the Alliance. Cassandra D'Antonio mentioned that this is one of the responsibilities of the City in its current policy, and that having all of the recognized NAs and HOAs appoint a liaison to this coalition/alliance that would meet at least once a year would be mutually beneficial to all involved.

The second matter put to the City officials was the fact that the builder in Desert View never completed the infrastructure, that is, the sidewalks have not been completed, including the sidewalk that allows access to the mailbox cluster, even though the neighborhood is completely built.

It is the MNAs' understanding that the developer or the builder of the homes is required to put in that infrastructure. When we brought this up to the MCA, they said they would use HOA monies to complete the sidewalks. We don't feel that the residents, via HOA dues, should have to pay for this. Whose responsibility is this? And, this seems to be a violation of ADA rules given that our community members with mobility issues cannot access their mailbox.

Matt Geisel said he would review the City's development agreement with Harvard get back to us.

The third and final matter that arose spontaneously at the meeting revolved around clarification of the make-up of the Mariposa East PID Board.

Eric Gregory asked who has oversight of the Mariposa East PID. Joseph Miano, the Special District Administrator for the Mariposa East PID Board, paid through PID funds, explained that the Mariposa East PID is its own legal entity and does not fall under the auspices of the City, though the State does have financial oversight of all PIDs through an annual audit. It is confusing since the City is involved with the Board. Joseph Miano explained that unlike a handful of other PIDs in Rio Rancho, such as Cabezon who has its own financial oversight staff on payroll, the five-member Mariposa East PID Board contracted with the City to provide financial oversight and that is why the City is involved. This is why in its infancy, Mayor Hull sat on the board as chair. The Mayor, with the approval of the Governing Body, also had the authority to appoint the PID's board members until the 2014 legislation that required all board members to be residents, voted on by residents, through several local elections for staggered six-year terms, so that eventually the entire board would be comprised of residents. But the City does not have any regulatory

authority over the PID Board. In fact, the PID Board's 'bosses' are the voters in the Mariposa East PID, and the board answers to them. At present, the PID Board has 5 members: 3 developers/builders (see below) and 2 Mariposa Residents (Penny Knipps and Scott Rose). It was discussed according to the City Clerk that in November of 2021 an election will be held in which 3 positions currently held by the developers/builders will be open and that residents can run for those Board positions. In terms of the MNA's concern of conflict of interest given that Jack Eichorn, Chairman of the Board, Tim Brislin, Member, and Brian McCarthy, Member, are all developers/builders and do not represent the interests of the residents (they were appointed by the City's Governing Body and not elected), and while we were told they could possibly be recalled, a recall election would cost significant funds that the residents would have to provide. However, if one or more were to resign, it would be up to the Board to fill the vacancy until the next election. They did direct us to the State Auditor's office for further investigation as to whether or not a conflict of interest is occurring by having developer/builders on the PID Board, especially Jack Eichorn who is an employee of Mr. Brislin. Finally, Mr. Miano volunteered to be a guest speaker at our January quarterly meeting.